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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,216	07/24/2001	Adrian Philip Wise	94101503(GB)USD1 PDDD	8133
22887	7590	09/05/2006		EXAMINER
DISCOVISION ASSOCIATES 2265 E. 220TH STREET LONG BEACH, CA 90810				YENKE, BRIAN P
			ART UNIT	PAPER NUMBER
				2622

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/912,216	WISE, ADRIAN PHILIP	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRIAN P. YENKE	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on Amendment (20 June 2006).
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-9, 11-16 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) all the above is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. The previous application included indication of allowable subject matter, however based upon further review of the case/prior art and reassignment of the case to the current examiner, a new grounds of rejection has been provided, thus necessitating a new Non-Final rejection, any inconvenience is regretted.

### *Drawings*

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. As disclosed in applicant's background Fig illustrates the Bresenham's algorithm which as disclosed by applicant is a conventional algorithm (page 4, para 3).

### *Claim Objections*

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are

canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Currently there have been two claims numbered "23" added. Correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-16 and 19-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hurst, ,4523,227.

In considering claim 11,

Refer to rejection of claim 1. In addition the claim recites a stored value which includes one of a positive incremental value and a negative incremental value.

Since Hurst discloses that based upon the input rate and the output rate, where the signal may need to be frequency shifted up/down and the system stores the appropriate/desired duration, the system would also store whether the system needs to be incremented (frequency) using a positive (up shift) and negative (down shift) value.

Regarding claims 12 - 13, Hurst discloses the claimed in which the at least one computation comprises a computation performed with respect to each of the input sets and the claimed in which the insertion or deletion of sets of data occurs at regular intervals (see col. 3 lines 9 - 20).

Regarding claim 14, Hurst discloses the ratio of the input rate to the output rate may be any arbitrary rate i.e. 2%, 4%, 5% etc (see col. 3 line 46 - col. 4 line 20, col. 5 lines 44 - 46, col. 11 lines 39 - 49).

Regarding claim 15, Hurst discloses delivering the output sets of data at the output rate (see col. 3 lines 9 - 20).

Regarding claim 16, Hurst discloses if frames are added they are repeated or are "copies of one of the input sets of data" (see col. 3 lines 40 - 45).

Regarding claims 19-21, 26-30

The claims additionally recite a decoder and a logic unit in which the logic unit comprises hardware which is disclosed by Hurst (see col. 3 lines 32 - col. 4 line 19). See rejection for claim 11.

Regarding claims 23 (both) and claim 24,

Hurst discloses the input and output video signal comprise frames (see col. 3 lines 32 - 45). Hurst discloses the rate of the input/output may conform to NTSC or PAL, which meets the 24, 25 or 30 frames per second, and the output rate of 50 or 60 (which are in fields per second).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst, 4523,227 in view of Dwin, US 5,517,612.

Regarding claim 1,

Hurst discloses a system for synchronizing a video signal having a first frame rate to a second frame rate comprising receiving at least one stored value indicative of the difference between the input rate and the output rate, performing at least one computation based on the at least one stored value, the result of the computation being used, in generating of the output sets of data, to control the insertion of additional sets of data or deletion of sets of data (see col. 3 line 32 - col. 4 line 19). Hurst discloses present and desired durations are provided to a calculator where they are inherently stored. The calculation, resulting in a ratio, is provided to a variable frequency oscillator and sync processor where a computation is preformed resulting control of insertion or deletion of sets of data.

Although Bresenham does not explicitly disclose the claimed Bresenham's algorithm, such algorithm is a notoriously well known application in order to determine which pixels/lines to keep or add, based upon a change in frequency between an input and output rate.

The examiner incorporates Dwin et al, US 5,517,612 which evidences such practice (col 9, line 35-40).

Thus it would have been obvious to one of ordinary skill in the art to modify Hurst which discloses the concept of scaling (via addition or deletion of data) based upon the varying input rate to output rate, by using a known scaling algorithm such as Bresenham, which would provide the necessary calculations to adaptively convert the video data.

Regarding claim 2, Hurst discloses the input and output video signal comprise frames (see col. 3 lines 32 - 45).

Regarding claims 3-4,

Dwin discloses that the video information maybe compressed via terminal 25 using codec interface 43.

Regarding claim 5,

Neither Hurst nor Dwin disclose the standards (i.e. JPEG, MPEG or H.261), however MPEG is a notoriously well known standard for compressing/decompressing video images, thus the examiner takes “OFFICIAL NOTICE” regarding such, since it’s an industry known widely used standard in transmitting/receiving information.

Regarding claims 6-7, Hurst discloses the claimed NTSC frames which satisfy a video broadcast standard (see col. 3 lines 32 - 45., it is noted that satisfying a video broadcast standard does not mean the frames are from an NTSC broadcast).

Regarding claims 8-9,

Hurst discloses the rate of the input/output may conform to NTSC or PAL, which meets the 24, 25 or 30 frames per second, and the output rate of 50 or 60 (which are in fields per second).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y  
31 August 2006



Brian P. Yenke

BRIAN P. YENKE  
PRIMARY EXAMINER